HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.19436 of 2005

Dated 2nd September, 2005

Between:

Asoori Murali, S/o.Seshachary,

Aged about 31 years, Occ: Agriculture

R/o.H.No.10-40, Shankarampet (A)

Medak District. .. Petitioner

And

The Commissioner of Prohibition &

Excise, Government of A.P. Hyderabad

and two others .. Respondents

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W.P.No.19436 of 2005

ORAL ORDER:

This writ petition is filed challenging the proceedings dated 15.7.2005 issued by the 2nd respondent and the consequential proceedings dated 12.8.2005 issued by the 1st respondent.

The petitioner is the registered owner of the vehicle bearing No.AP23 V 765 and when a huge quantity of Chloral Hydrate was being transported, his vehicle was detected and seized by the transport authorities. Therefore, a case in Cr.No.25 of 2005 for the offence under Section 34(a) of A.P. Excise Act, 1968 was registered against the petitioner by the Excise police. When the petitioner moved an application before the Deputy Commissioner of Prohibition and Excise, it was dismissed on 15.7.2005 indicating that if the interim custody of the vehicle in question is granted, there would be every likelihood of using the vehicle for illegal transportation of Choral Hydrate. The said order was confirmed by the Commissioner of Prohibition and Excise, by an order dated 12.8.2005. The Excise Police intercepted the vehicle when 31 bags of Chloral Hydrate each containing 28 kgs. were being carried and seized it. The petitioner filed an application before the Deputy Commissioner stating the he sold away the vehicle to one Raju Goud for Rs.2,25,000/- and received an advance of Rs.10,000/- from him. The same cannot be accepted in view of the fact that the registration certificates stand in the name of the petitioner only. Therefore, it is for the petitioner to establish that he has no knowledge of transportation of huge quantity of Chloral Hydrate which was detected by the Excise Police. Hence, both the Deputy Commissioner and the Commissioner of Prohibition and Excise rightly rejected the grant of interim custody of the vehicle. The impugned orders do not suffer from any legal infirmities warranting interference of this Court.

For the foregoing reasons, the writ petition is devoid of merits and accordingly dismissed. No order as to costs.

02.09.2005

bcj